

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

OKLAHOMA

State of Oklahoma, Inc., et al.

V.

Tyson Foods, Inc. et al.

SUBPOENA IN A CIVIL CASE

Case Number: 4:05-CV-00329-TCK-SAJ

No. Dist: Okla.

TO: David R. Wofford
 Robin L. Wofford
 Rt 2, Box 370
 Watts, Ok 918/422-5454

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☒ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

The attached legal description and Sampling Request

DATE AND TIME

April 5, 2006 @ 9:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorney for Plaintiff

DATE

April 13, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Richard T. Garren, OBA #3253, 502 W. 6th St., Tulsa, Ok 74119

918/587-3161

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

Exhibit B



48259 X

WARRANTY DEED
(With Full Right of Survivorship)

STATE OF OKLAHOMA, Adair County, Filed for record
on this day at 12:45
Book 12, at Page 77

AUG 11 1999

Documentary Stamp: \$ 30.00
By Carrie Philpott, Adair County Clerk
Deputy

THIS INDENTURE, made this 28 day of July, 1999, between SONNY JOE RIDDLE AND SUSAN RIDDLE, HIS WIFE, AND DESIRAE T. BARNETT AND BRIAN BARNETT, HER HUSBAND, of ROUTE 2, BOX 793, WATTS, OK 74964, hereinafter called "Party of the First Part", and DAVID WOFFORD AND ROBIN WOFFORD, HUSBAND AND WIFE, of ROUTE 2, BOX 370, WATTS, OK 74964, as joint tenants and not as tenants in common, with full right of survivorship as hereinafter set out, hereinafter called "Party of the Second Part".

WITNESSETH: That in consideration of the sum of Ten and .00/100ths Dollars (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, said Party of the First Part does, by these presents grant, bargain, sell and convey unto DAVID WOFFORD AND ROBIN WOFFORD, HUSBAND AND WIFE, as joint tenants and not as tenants in common, on the death of one, the survivor or the heirs and assigns of the survivor, to take the entire fee simple title to the following described real estate situated in Adair County, State of Oklahoma, to-wit:

THE SW/4 OF NE/4 OF SECTION 9, T-19-N, R-25-E.

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

AND said Party of the First Part, their heirs, grantees, executors and administrators, do hereby covenant and agree to and with said Party of the Second Part that, at the delivery of these presents, they are lawfully seized of an absolute and indefeasible estate of inheritance in fee simple of and in, all and singular, the above granted and described premises, with appurtenances; that the same are free, clear and discharged and unencumbered of and from all former and other grants, titles, charges, judgments, estates, assessments and encumbrances of whatsoever nature and kind. EXCEPT: Easements and building restrictions of record and special assessments not yet due; _____; and that Party Grantors will WARRANT AND DEFEND the same unto said Party of the Second Part, their heirs, successors and assigns against said Party of the First Part, their heirs and assigns, and all and every person(s) whosoever lawfully claiming, or to claim the same.

IN WITNESS WHEREOF, the Party of the First Part has executed this instrument the day and year first above written.

Sonny Joe Riddle
SONNY JOE RIDDLE
Susan H. Riddle
SUSAN RIDDLE

Desirae T. Barnett, By Sonny Riddle,
ATTY-IN-FACT
DESIRAE T. BARNETT, By Sonny Joe Riddle, Attorney-In-Fact
Brian Barnett, By Sonny Riddle
ATTY-IN-FACT
BRIAN BARNETT, By Sonny Joe Riddle, Attorney-In-Fact

STATE OF ARKANSAS)
COUNTY OF BENTON) ss.

ACKNOWLEDGMENT

BEFORE ME, a Notary Public in and for the aforesaid County and State, on this 28 day of July, 1999, personally appeared, SONNY JOE RIDDLE AND SUSAN RIDDLE, HIS WIFE, and DESIRAE T. BARNETT AND BRIAN BARNETT, HER HUSBAND, by and through SONNY JOE RIDDLE, AS ATTORNEY-IN-FACT, who acknowledged to me to be the identical persons that executed the foregoing instrument and stated they did so as their free and voluntary act and deed for the uses and purposes therein mentioned. Given under my hand and seal on the day and year last above written.

My Commission Expires:
11-13-00

Sheila J. Tucker
Notary Public-State Of Arkansas
Qualified In Benton County

Sheila J. Tucker
Notary Public

GENERAL WARRANTY DEED

(With Survivorship Clause)

FILED

ADAIR COUNTY, STEWELL, OKLA.

23004

OCT 15 1992

9:00 AM 15 MINUTE

BY BOOK 270 AT PAGE 128

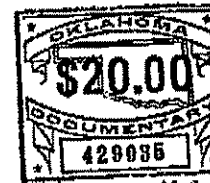
JASON CARTON County Clerk

By _____ Deputy

THIS INDENTURE, Made this 24th day of September, 1992 between **RONNIE E. HESTER and BARBARA J. HESTER**, husband and wife, and **RYAN HESTER and KAY HESTER**, husband and wife, parties of the first part, and **DAVID R. WOFFORD and ROBIN L. WOFFORD**, husband and wife, with right of survivorship, as hereinafter set out, parties of the second part, of Route 2, Box 370, Watts, Oklahoma, 74964.

WITNESSETH: That in consideration of the sum of TEN DOLLARS and other good and valuable considerations, receipt whereof is hereby acknowledged, said parties of the first part do by these presents grant, bargain, sell and convey unto **DAVID R. WOFFORD and ROBIN L. WOFFORD**, husband and wife, as joint tenants and not as tenants in common, in and to the following described estate situated in Adair County, State of Oklahoma, to-wit:

The NE 1/4 of SE 1/4 and SE 1/4 of NE 1/4 of Section 9, Township 19 North, Range 25 East, Adair County, Oklahoma.



STATE OF OKLAHOMA

COUNTY OF ADAIR

I hereby certify that the within and foregoing instruments is a true and correct copy of the records as shown in the office of the County Clerk in and for Adair County, Oklahoma, this 15th day of October, 1992.

JASON CARTON County Clerk

By _____ Deputy

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

AND said parties of the first part, their heirs, successors, grantees, executors and administrators do hereby covenant and agree to and with said parties of the second part that, at the delivery of these presents, they are lawfully seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with appurtenances; that the same are free, clear and discharged and unencumbered of and from all former and other grants, titles, charges, judgments, estates, taxes, assessments and encumbrances of whatsoever nature and kind, **EXCEPT:** Easements and building restrictions of record and special assessments not yet due;

AND that parties grantor will **WARRANT AND FOREVER DEFEND** the same unto said parties of the second part, their heirs, successors and assigns against said parties of the first part, their heirs, successors and assigns, and all and every person or persons whomsoever lawfully claiming, or to claim the same.

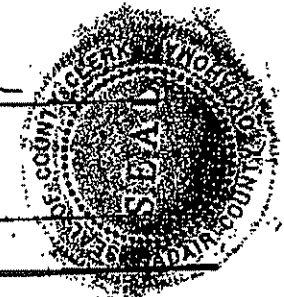
IN WITNESS WHEREOF, parties of the first part have executed or caused to be executed, this instrument the day and year first above written.

Ronnie E. Hester
RONNIE E. HESTER

Ryan Hester
RYAN HESTER

Barbara J. Hester
BARBARA J. HESTER

Kay Hester
KAY HESTER



STATE OF ARKANSAS

COUNTY OF BENTON

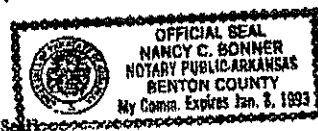
(Oklahoma Form of Acknowledgment)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 24th day of September, 1992, personally appeared **RONNIE E. HESTER and BARBARA J. HESTER**, husband and wife, and **RYAN HESTER and KAY HESTER**, husband and wife, to me well known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

My commission expires:

Nancy C. Bonner
Notary Public



RETURN TO: CARL BONNER - BOX 577 - SILOAM SPRINGS, AR 72761

Soil Samples from Waste Applied Fields

Equipment and personnel will be transported to the field in a truck or van. At each field between one and four sampling areas will be identified. Each of the sampling areas will be between one and ten acres in size. At each sampling area, a regular grid pattern of 20 sample locations will be established. At each of the 20 sampling locations, individual soil samples will be collected at three depths: 0 to 2 inches, 2 to 4 inches, and 4 to 6 inches. Individual samples will be placed in plastic bags with labels. All sampling equipment and reusable personnel equipment will be decontaminated between fields using water, phosphate free soap and 6 percent bleach.

Rainfall Runoff Samples

At or near the edge of fields where waste has been applied, rainfall runoff sampling locations will be selected. These locations will typically be low or sloped areas where water will runoff or accumulate. Where runoff water accumulates in a natural depression, the water may be sampled directly from these locations. Rainfall runoff sampling will be conducted from time to time through June 30, 2006 as rainfall events occur.

Groundwater Samples

Samples of groundwater will be collected using a hydraulic pushed sampling device (probe) mounted on the back of a van or truck. The small diameter probe (usually about two inches in diameter) will be pushed into the subsurface at selected locations on or near the edge of fields where waste has been applied. Groundwater will be collected using a small pump or by inserting a small tube inside the probe. At selected locations (up to three per field), a plastic pipe will be placed in the probe hole to allow repeated sampling of the groundwater. To stabilize the pipe, a small concrete pad will be placed around and over the pipe. If requested by the owner, the pad and pipe will be flush with the ground surface. If the probe cannot penetrate the subsurface, an auger drilling rig may be used. Upon completion the ground will be restored to preexisting condition. Grab sample method will be used to gather data from existing wells or springs using scientifically accepted collection procedures.